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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,664	06/24/2003	Takashi Omata	500.37389CX1	9544
20457	7590	11/02/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			PARRIES, DRU M	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,664

Applicant(s)

OMATA ET AL.

Examiner

Dru M. Parries

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 59-69 is/are allowed.
- 6) ☒ Claim(s) 45-58 is/are rejected.
- 7) ☒ Claim(s) 69 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/351,130.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-24-03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 52, 57 and 69 are objected to because of the following informalities: misspelling and wording errors. Claims 52 and 57 have misspelled words in them, and claim 69, the Examiner believes, has some wording errors. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 47 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner requests that the circuits that are in both the terminal board and apparatus be specifically labeled in the claims (i.e. "the communication circuit of the terminal board").

4. Claims 49 and 55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims say to execute 1-way communication when 2-way is not established, and goes onto say, "even...when said 2-way communication is executed". This doesn't make sense. The Examiner requests the applicant reword these claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 45-48, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (6,323,566) and Mahany et al. (5,483,676). Meier teaches a terminal board (15) having an operation button (18) for instructing an operation to be executed by an apparatus (11). He also teaches a circuit (16) that transmits the instructions, and a circuit (12) that receives the instructions, and a control circuit (14) for transmitting the instruction contents to the controlled equipment. He also teaches the data rate of the operation apparatus being lower than that of the terminal board (Abstract; Col. 5, lines 26-29; Col. 3, lines 56-67; Fig. 1). He also teaches a control circuit for finishing the communication operation when communication is established (Col. 5, lines 14-26). Meier fails to teach the use of a variety of data rates and the way the various data rates are used in a system like this. Mahany teaches the use of a plurality of data rates (at least three) for transmitting data (Col. 2, lines 40-42). He also teaches the idea of using a high data rate if an OK response is received and if it's not then automatically shift to a lower data rate where communication can be established (Col. 8, lines 45-49; Col. 9, lines 28-32). He also teaches serially lowering the data rate of the data (Col. 8, lines 3-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a plurality of data rates because of the varying system considerations, one won't have to start over and build a new system, and to always communicate at the most efficient level.

7. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (6,323,566) and Mahany et al. (5,483,676) as applied to claim 45 above, and further in view of Howe et al. (5,471,519). Meier and Mahany teach a remote keyless entry system as described above. They both fail to teach the idea of executing one-way communication if the attempts to

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establish two-way communication fail. Howe teaches the idea of executing one-way communication if two-way communication fails (Col. 5, lines 30-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to use one-way communication if two-way communication fails so that the information can still be delivered to the apparatus.

8. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (6,323,566), Mahany et al. (5,483,676), and Howe et al. (5,471,519) as applied to claims 45 and 49 above, and further in view of Nishimoto et al. (JP 08-284505). Meier, Mahany and Howe teach a remote keyless entry system as described above. They all fail to teach a report circuit. Nishimoto teaches a report circuit that reports to an operator when an operation is made. It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature to the terminal board of Meier's invention to give more information about the system to the user.

9. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (6,323,566) and Mahany et al. (5,483,676) as applied to claim 45 above, and further in view of Takano (JP 04-315684). Meier and Mahany teach a remote keyless entry system as described above. They both fail to teach a display for displaying indicators indicating the data rate. Takano teaches a display that displays the state of the car, which when combined in Meier's invention would include the data rate of communication with the car. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a display on the terminal board to display information about the car/system so that the user will know how the car and system are functioning at all times.

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10. Claims 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (6,323,566), Mahany et al. (5,483,676), and Howe et al. (5,471,519). Meier teaches a terminal board (15) having an operation button (18) for instructing an operation to be executed by an apparatus (11). He also teaches a circuit (16) that transmits the instructions, and a circuit (12) that receives the instructions, and a control circuit (14) for transmitting the instruction contents to the controlled equipment (Abstract; Col. 5, lines 26-29; Fig. 1). He also teaches a control circuit for finishing the communication operation when communication is established (Col. 5, lines 14-26). Meier fails to teach the use of a variety of data rates and the way the various data rates are used in a system like this nor does he teach what happens when two-way communication fails. Mahany teaches the use of a plurality of data rates for transmitting data (Col. 2, lines 40-42). He also teaches the idea of using a high data rate if an OK response is received and if it's not then automatically shift to a lower data rate where communication can be established (Col. 8, lines 45-49; Col. 9, lines 28-32). He also teaches serially lowering the data rate of the data (Col. 8, lines 3-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a plurality of data rates because of the varying system considerations, one won't have to start over and build a new system, and to always communicate at the most efficient level. Howe teaches the idea of executing one-way communication if two-way communication fails (Col. 5, lines 30-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to use one-way communication if two-way communication fails so that the information can still be delivered to the apparatus.

11. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (6,323,566), Mahany et al. (5,483,676) and Navaro et al. (6,108,560). Meier teaches a terminal board (15) having an operation button (18) for instructing an operation to be executed by an

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apparatus (11). He also teaches a circuit (16) that transmits the instructions, and a circuit (12) that receives the instructions, and a control circuit (14) for transmitting the instruction contents to the controlled equipment. He also teaches the data rate of the operation apparatus being lower than that of the terminal board (Abstract; Col. 5, lines 26-29; Col. 3, lines 56-67; Fig. 1). Meier fails to teach the use of a variety of data rates and the way the various data rates are used in a system like this nor does he explicitly teach the particulars about the transmitted signal from the terminal board. Mahany teaches the use of a plurality of data rates for transmitting data (Col. 2, lines 40-42). He also teaches the idea of using a high data rate if an OK response is received and if it's not then automatically shift to a lower data rate where communication can be established (Col. 8, lines 45-49; Col. 9, lines 28-32). He also teaches serially lowering the data rate of the data (Col. 8, lines 3-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a plurality of data rates because of the varying system considerations, one won't have to start over and build a new system, and to always communicate at the most efficient level. Navaro teaches the idea of transmitting a signal repeated continuously for a predetermined time or at least until 2-way communication is established (Col. 13, lines 40-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to use this method in the transmission of the terminal board operation instructions so that the signal will surely be received and, if not, the power to the terminal board can be saved.

Allowable Subject Matter

12. Claims 59-69 are allowed. These claims are allowable over prior art because no art was found that teaches one-way communication at a data rate lower than the lowest rate of a 2-way communication.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Warren et al. (5,912,921) teaches an instruction storage unit (Abstract). Bayron et al. (5,803,043) teaches a report unit being a lighting device (Fig. 5; Col. 7, lines 1-25).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dru M. Parries whose telephone number is (571) 272-8542. The examiner can normally be reached on Monday -Thursday from 8:00am to 5:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, can be reached on 571-272-2800 x 36. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMP

10-25-2005


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